

REMARKS

The Applicants have filed the present Response in reply to the outstanding Official Action of September 16, 2005 and the Applicants believe the Response to be fully responsive to the Official Action for the reasons set forth below in greater detail.

Applicants would like to express their appreciation to the Examiner for indicating that Claims 3, 5, 6, 9, 11 and 12 have allowable subject matter.

In the outstanding Official Action, the Examiner rejected Claims 1, 2, 4, 7, 8, and 10 under 35 U.S.C. § 103(a) as being obvious in view of Sheffer, United States Patent No. 5,884,184.

Claim 1 recites a method of operating a control channel cellular radio transmitter for reporting a status of a fire alarm system comprising, *inter alia*, selecting a cellular control channel with the strongest signal strength **which is verified as being available for the assigned carrier to report a status of the fire alarm system** and selecting a cellular control channel with **a second strongest signal strength** which is also verified as being available for the assigned carrier to report a status of the fire alarm system (Emphasis added).

Independent Claim 7 recites a corresponding system for operating a control channel cellular radio transmitter for reporting a status of a fire alarm system.

Applicants submit that Sheffer fails to teach or render obvious the limitations of selecting a cellular control channel with the strongest signal strength and selecting a cellular control channel with the second strongest signal strength and transmitting the message using the strongest signal or second strongest signal.

Sheffer is not concerned with the strongest signal strength. Sheffer teaches a system and method for identifying inactive channels for the forward and reverse control channel.

The transceiver in Sheffer selects a channel based upon a RSSI (received signal strength) that is below or lower than a specific threshold value. This is the **exact opposite** of the claimed invention.

Sheffer states:

The method of preselection is **intended to select a reverse control channel which is inactive** or not used by any proximately located cell site. The reverse control channel selected has a corresponding forward control channel which **preferably has a signal strength below the range of -115 to -125 dBm** and preferably is adjacent in frequency to a forward control channel having a signal strength below a range of -75 to -85 dBm. The selection of an inactive reverse control channel precipitates the above mentioned low signal strength forward control channel.

Col 3:11-21 (Emphasis added)

The step of selecting the forward control channel includes the steps of initially selecting multiple forward control channels **having a signal strength remaining below a preselected threshold, eliminating those forward control channels initially selected if they are adjacent in frequency to a forward control channel which has a signal strength of a preselected value or higher,** and randomly selecting one of remaining multiple forward control channels.

Col 4:18-25 (Emphasis added)

Further, Sheffer describes that in a “preferred embodiment, it is desirable to select only those forward control channels having a signal strength (d) **below** the threshold (f) during all complete scans of loop.” See Col. 8:28-30. Additionally, “if the signal strength (d) of the adjacent forward control channel is greater than a programmed threshold (u), then that particular forward control channel candidate which is adjacent to the forward control channel having a signal strength greater than the threshold (u) is dropped as a candidate.” Col. 8:41-49.

Clearly, Sheffer teaches that a channel is selected when a RSSI is below a threshold value.

In stark contrast, the claimed invention selects either the strongest or second strongest channel for transmission of the message.

In a disclosed embodiment of the invention, the specification describes that the available cellular control channels are first scanned, and the signal strength of each cellular control channel is measured. The cellular control channel with the **strongest signal strength** which is verified as being available for the assigned carrier is selected to report the status of the fire alarm system, and also the cellular control channel with the second strongest signal strength which is also verified as being available for the assigned carrier is selected to report the status of the fire alarm system.

Accordingly, Applicants submit that Sheffer fails to teach each and every element of Claims 1 and 7 and, thus, Claims 1 and 7 are patentable over Sheffer.

Applicants respectfully submit that dependent Claims 2, 4, 8 and 10 are patentably distinct from Sheffer based at least upon the above-identified reasons.

With respect to Claims 2 and 8, in addition to the reasons set forth above, Applicants further submit that Sheffer fails to teach sorting and classify the channels according to signal strength, as recited.

Sheffer teaches selecting a forward control channel based upon a comparison of a stored criteria or characteristics. The criteria of one or more control channels are stored in memory. However, the channels are not sorted or classified in a channel list based upon these characteristics and more specifically, the programmed memory list is **not** generated based upon sorted and classified **according to signal strength**.

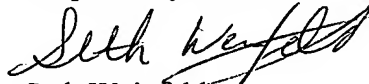
In contrast, the claimed invention sorts and classifies the channels in memory according to signal strength.

Accordingly, Applicants submit that Sheffer fails to teach each and every element of Claims 2 and 8 and, thus, Claims 2 and 8 are patentable over Sheffer.

For all the foregoing reasons, the Applicants respectfully request the Examiner to withdraw the rejections of Claims 1, 2, 4, 7, 8, and 10 pursuant to 35 U.S.C. § 103(a).

In conclusion, the Applicants believe that the above-identified application is in condition for allowance and henceforth respectfully solicit the Examiner to allow the application. If the Examiner believes a telephone conference might expedite the allowance of this application, the Applicants respectfully request that the Examiner call the undersigned, Applicants' attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Seth Weinfeld", written over a horizontal line.

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